



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

IAN A. BOWLES
Secretary

LAURIE BURT
Commissioner

December 17, 2010

Dear Board of Health Members and Agents:

I am writing to inform you that due to changes in state law, permitting authority over small solid waste transfer stations has temporarily been restored to the Massachusetts Department of Environmental Protection (MassDEP).

On July 1, 2010, the Commonwealth's Fiscal Year 2011 Budget amended the Massachusetts solid waste law (GL c. 111, § 150A) to immediately transfer responsibility for permitting small solid waste transfer stations (those with capacity to accept 50 tons of refuse per day or less) from MassDEP to the Board of Health for the municipality in which the facility is located. However, the Permit Extension Act (Sec. 173 of Ch. 240 of the Acts of 2010), which was signed into law by Governor Patrick on August 5, 2010, automatically extended many permits for two years, which shifted authority over permits for small transfer stations back to MassDEP until July 1, 2012.

The Permit Extension Act promotes economic recovery by easing the burden of renewing state and local permits for the use and development of property. The Act does this by automatically extending these state and local permits and licenses for two years. The Act covers permits for solid waste management facilities if they were in effect at any time between August 15, 2008 and August 15, 2010. **Since the Permit Extension Act was enacted after the Commonwealth's Fiscal Year 2011 Budget, the MassDEP permits that were in effect for small transfer stations during this period were automatically extended, and will remain in effect until July 1, 2012 unless specific action is taken to revoke or modify them.** By July 1, 2012, all operating small transfer stations will need to have a permit from their local Board of Health. Please note that Boards of Health remain responsible for permitting new small transfer stations and small transfer stations for which MassDEP's Authorization to Operate expired before August 15, 2008 and did not obtain a new permit by August 15, 2010.

This extension provides an opportunity for MassDEP and Boards of Health to work together over the next eighteen months to develop guidance and technical assistance mechanisms that will assist Boards in assuming these new responsibilities. We expect to start discussions with Board members, Health Agents, and other stakeholders in January 2011, and will let you know when a schedule has been set.

MassDEP remains willing to assist you in implementing the provisions of the amended solid waste statute that were adopted with the Fiscal Year 2011 Budget. Please call the Solid Waste Section Chief in the MassDEP Regional Office that covers your municipality if you have any questions (contact information is available at: <http://www.mass.gov/dep/about/regional.htm>).

Sincerely,

A handwritten signature in black ink, appearing to read "James C. Colman".

James C. Colman
Assistant Commissioner
Bureau of Waste Prevention